(9)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH:BILASPUR

Writ Petition No. 1360 /2001.

PETITIONER : Gustaff Tirki son of Poulus Tirki, aged 42 years, occupation - Govt. service Senani (Aarakshak) No. 319 31st Batalian, Raigarh (SAF), Distt. Raigarh (C.G.).Present residen village Barpali, P.S.Kartala, Korba.

V E R S U S

RESPONDENTS 1. State of Chhattisgarh
Through: Secretary
Department of Home,
Govt. of Chhattisgarh, Raipur.

2. Inspector General of Police (SAF)
Supela (Bhilai), Distt. Durg (C.G.)

3. Deputy Inspector General of Police (SAF), Bilaspur Range, Bilaspur (CG).

4. Supdt. of Police Armed Forces,
31st. Batalian, Raigarh (C.G.).

P. R. No. 1419/01
Presented by Shri A.N.Bhakt
dated 3.9.01

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA :

शपथ आयुक्त,

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(60)

आदेश पत्रक

मामला क्रमांक W.P.No.1360/01 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05/03/2004

Shri A.N.Bhakta, counsel for the petitioner.

Shri Bhaskar Pyasi, P.L. for the State.

On a mention being made by learned counsel for the petitioner, the matter is taken up.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India challenging the impugned order dated 10.04.2001 (Annexure A/1) passed by respondent No.4- S.P., 31st Battalion SAF, Raigarh.

The case of the petitioner is that he completed about 18 years of service as Constable in the 31st Battalion SAF, Raigarh. However, the petitioner remained absent from his duty for 132 days on account of illness. The petitioner applied for extension of leave on 04.02.2000 alongwith medical certificate before the sanctioning authority. However, a notice was received by the petitioner on 13.02.2001 sent by respondent No.4- Superintendent of Police Armed Forces, 31st Battalion, Raigarh (CG). The petitioner, in response to the notice, appeared before the Head of the Department and submitted his fitness certificate (Annexure A-2 & A-3) issued by the concerned Medical Officer. Later on the petitioner came to know that on account of his absence, a departmental enquiry was started against him and charges were also framed against him and ultimately, the petitioner was terminated from the services. The petitioner further averred that no opportunity was given to him and Enquiry Officer failed to consider the grounds of absence of the petitioner.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(61)

आदेश पत्रक

मामला क्रमांक W.P.No.1360/01 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 02 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to respondent no.4 for grant of leave and reinstatement in the service, to which learned counsel for the State has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all his grievances to respondent No.4 and in turn respondent No.4 shall decide the representation within a period of thirty days from the date of receipt of the same considering all his grievances, in an objective manner with a reasoned order in accordance with law.

With the aforesaid directions the petition stands disposed of. Consequently, I.A.Nos.371/2004, 11282/2003, 2134/02 & M.W.P. No.3484/2003 also stand disposed of.

Certified copy as per Rules.

Sd/-
L.C.BHADOO
Judge

Roshani Pradhan